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SUBJECT: SUPPORTING HUMAN RIGHTS

1. Guatemala held open and transparent elections in November and December of 2003. There have been major advances in human rights since the end of the civil conflict and signing of the Peace Accords in 1996, and the Government generally respects the rights of its citizens. Impunity for offenses of criminal violence was pervasive; there was a progress investigating official corruption; efforts to reform the judiciary continued. State institutions charged with enforcing the rule of law remain weak. Police brutality and prison conditions are concerns. Arbitrary arrest and lengthy pretrial detentions were problems. Intimidation and corruption of judges and other law enforcement officials were widespread. Threats against non-governmental organizations (NGOs) and human rights workers by unidentified persons remained approximately the same as the previous year.

2. The U.S. human rights and democracy strategy aims to encourage and support the Government's efforts to strengthen state institutions, improve rule of law and transparency in government, and support key human rights initiatives.

3. U.S. officials raised human rights concerns during meetings with President Oscar Berger, Vice President Eduardo Stein, members of Congress and other high-level officials. The Embassy expressed interest in key cases to authorities investigating human rights abuses during the year. Authorities were generally cooperative and in several cases shifted resources to investigate cases of particular concern. The Ambassador frequently met with human rights leaders and publicly expressed U.S. support for their work by hosting a reception in honor of the Guatemalan human rights community. The Ambassador has advocated for numerous human rights initiatives with the Guatemalan Government, including the establishment of a local UN Office of the High Commissioner for Human Rights; the UN Commission to Investigate Clandestine Groups (CICIACS) proposed by civil society; stronger legislation for prosecution of traffickers in persons; and improved labor legislation. The Embassy has urged the Government to investigate threats against human rights defenders, journalists, and justice workers, and to provide protection to the victims when warranted and feasible. Through the International Visitor Program, the Embassy has sponsored trips focused on human rights and free press for civil society leaders, giving them the opportunity to interact with parallel organizations in the U.S. and interchange experiences.

4. After three and a half years, the USAID Human Rights program (\$4.2 million over three years) was completed in September 2004. Through this project, the United States has supported grassroots human rights promotion, including training local human rights promoters, media campaigns; targeted support for the Office of the Human Rights Ombudsman (limited training and equipment); and supported the Human Rights Movement, a coalition of human rights NGOs. The program has improved awareness and demand for training and knowledge about human rights law and treaties, especially regarding the indigenous, women, and children. Grantees disseminated information about the civil conflict to over 44,000 persons. The program and its counterparts influenced the creation of a National Reparations Program and Commission. Rosalina Tuyuc, one program counterpart, was chosen by the President to lead the Commission and several others are members.

5. A key Movement leader, Frank LaRue, was appointed by President Berger to direct the Presidential Human Rights Commission in January 2004. It is encouraging that since 1996 civil society has blossomed in Guatemala and is now a major contributor to the new Government's human rights policies.

6. Since 1999, the United States has provided \$5.3 million to fund the exhumation of mass graves from the internal conflict, providing closure for families and religious burials for thousands of victims. The project offers mental health services in connection with the exhumations.

7. The United States also funded negotiations between civil society and the Government to create a National Reparations Plan, which was established to compensate victims of the civil conflict. In January 2005, the United States announced that it would provide \$300,000 to support systematic advocacy and pressure for legal follow-on to

human rights abuse cases from the civil conflict. The project will also develop restorative justice processes and alternative dispute resolution at the local level.

18. In September 2004, US AID began a new program focused on strengthening rule of law (\$8 million over 5 years), which builds on past justice reform efforts by improving the transparency and efficiency of criminal judicial processes; implementing crime prevention programs; increasing the use of alternative dispute resolutions; and developing stronger leadership and support for justice reform in Guatemala.

19. To address profound problems in the country's judicial system, the United States funded the expansion of a network of Justice Centers to improve access to justice and modernize the justice sector by implementing administrative reforms to improve judicial operations. In coordination with the Villa Nueva Justice Center, located in a suburb of the capital, the United States has funded intensive training of the police, especially focused on the problem of combating the frightening gang violence that plagues much of Central America. The United States provided material support to the Guatemalan Public Ministry's Office of the Special Prosecutor for Crimes Against Human Rights Workers. To support investigation of police officers implicated in crime or corruption, the United States provided training and material support to the National Civil Police's (PNC) Office of Professional Responsibility (ORP), their equivalent of an Inspector General. The United States supported a crime prevention coalition (APREDEH) to open a self-help and training center for disadvantaged youth on the grounds of a former presidential retreat.

110. USAID also provided approximately \$500,000 to the UN Development Program to support civilian-military relations by strengthening the capacity of civil institutions to understand and engage in dialogue on security and intelligence issues. The work of a preparatory commission funded by the U.S. led to the installation of a civilian Security Advisory Council (CAS) to the President in June 12004.

111. The U.S. Labor Department continued to sponsor a four-year, \$6.7 million regional project to promote labor rights education and strengthen labor inspectorates in Central America. Among other activities this year, the project supported the creation of a website to disseminate accurate information about labor law. The United States negotiated the U.S.-Central America Free Trade Agreement (CAFTA) with Central American nations which incorporated labor rights protections. If ratified, the CAFTA will supersede existing labor condition regulations under the Generalized System of Preferences (GSP). An inter-agency U.S. delegation conducted bilateral labor consultations in May; the U.S. Trade Representative held hearings on open GSP labor petitions in February 2004. In all these exchanges, U.S. officials expressed concern about the need for the Government of Guatemala to fully investigate past violence against trade union leaders, reform its labor justice system and reinstate workers illegally fired for unionizing activities. The Embassy continues to express concern to the Government over the potential for anti-union violence in the maquila sector, where union formation is almost non-existent. In January 2005, the United States committed to finance a labor rights enforcement program (\$200,000 for Guatemala and El Salvador).

112. To aid in the resolution of land conflicts which have, at times, led to government evictions of squatters occupying plantations and, on one occasion, violence, the United States began an initiative to resolve land conflicts through mediation.

113. The United States supported the Presidential Commission against Racism and Discrimination Against Indigenous Groups and the appointment of a National Indigenous Assembly. The U.S. Agency for International Development (USAID) participates in a donor dialogue on indigenous issues to prevent duplication of efforts. The United States also sponsored a Digital Video Conference between indigenous leaders in Panama, Guatemala, and the U.S. to discuss obstacles currently facing these populations.

114. To foster more professional security forces and reduce human rights abuses, the Embassy and U.S. SOUTHCOM worked with the Defense Ministry to develop a Human Rights Initiative Consensus Agreement with the Army. In December, civil society leaders and the Human Rights Ombudsman's Office (PDH) worked alongside military officers to design a plan to systematize the military's observation of human rights in civil-military relations, training and education, the human rights doctrine, and internal controls to prevent abuses. SOUTHCOM Brigadier General Wendell Griffin attended the event to express support for the Guatemalan Defense Department's efforts on these reforms. The United States assisted the Defense Department to print and disseminate

copies of the "White Book," the new military code of conduct, which was praised by the United Nations Verification Mission in Guatemala (MINUGUA). USAID also provided \$600,000 to the UN Development Program to strengthen civilian-military relations.

15. Guatemala was rated a Tier II country Watch List in the State Department's 2004 Trafficking in Persons (TIP) Report to Congress. U.S. officials briefed the Government on the implications of the report and urged the Government to step up its efforts to prevent, prosecute and punish this crime. In response, the Government formed an inter-agency working group, composed of ministries, Congress, the Attorney and Solicitor General's Offices and the judiciary, to better coordinate these efforts. The Embassy has urged the Government and members of Congress to stiffen sanctions against traffickers. To support these increased Government efforts, the United States announced several integrated programs to combat trafficking in persons (TIP), including material support to the Special Prosecutor for Crimes Against Women; material support to the Secretary for Social Welfare; and a USAID regional project (\$1.2 million over 3 years) to provide funds and technical support for the development of regional, national, and local networks to prevent trafficking in persons (TIP) and the protection and reintegration of trafficking victims. This project also includes support for the development and implementation of improved TIP legislation and a media campaign to increase awareness of the perils of trafficking among vulnerable populations.

16. The Department of Justice also planned to carry out training workshops for justice workers and the courts on dealing with trafficking victims.

17. List of Projects in Guatemala:

OPR/Internal Inspection Process for the PNC (NAS)-\$150,000

Villa Nueva Model Precinct (NAS)- \$300,000

Police/Prosecutor Coordination (NAS)- \$350,000

AID Trafficking in Persons Regional Project - \$1,370,000

AID Rule of Law program (5 year budget) - \$8,000,000

AID FOSS (civil-military relations) - \$520,605

AID Human Rights (4 year budget) - \$4,154,500

AID Civil Society (3 year budget) - \$3,211,993

AID Local Governance (2.5 year budget) - \$3,212,000

AID DIGAP (through UNDP) - \$4,076,000

SOUTHCOM Human Rights Consensus Agreement - \$70,000

DRL Grant: Creative Solutions (FY2005) - \$300,000

DRL Grant: Global Fairness (FY2005, regional with Salvador)
- \$200,000

HAMILTON